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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,926	02/03/2004	Jared Waxman		1649

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EXAMINER
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SWIATEK, ROBERT P

ART UNIT	PAPER NUMBER
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3643

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/770,926

Applicant(s)

WAXMAN ET AL.

Examiner

Robert P. Swiatek

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-18 is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 6-15 is/are rejected.
- 7) ☒ Claim(s) 3 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2-3-04; 10-29-04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Bogdahn (US 6,148,773: Ref. 7 on Information Disclosure Statement filed 3 February 2004). The Bogdahn leash assembly lock mechanism includes a housing 4, leash 3, spring-biased reel 7, 70, unidirectional lock element 9 with an interior end for engaging, ratchet-like, a tooth 25 on the reel 7, 70, and toggle lock 11. Engagement of the interior end of lock element 9 with the surface of the reel 7, 70—as by use of the toggle lock 11 or the downward force of a user's finger—would prevent reel rotation in either a clockwise or counterclockwise direction. Pressing lock element sufficiently to engage a tooth 25 but not the outer periphery of the reel would prevent the leash 3 from being unspooled while yet permitting reel rotation in a direction of leash retraction.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3643

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bogdahn in view of Boughton et al. (US 6,619,313 B2). The Bogdahn lock mechanism lacks a rotation damper to limit leash retraction speed. It would have been obvious, however, to employ a damper with the Bogdahn reel 7, 70, in view of the patent to Boughton et al. that a damper prevents surplus or excess material from unwinding from a spool (see elements 4, 15 of Boughton et al.).

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bogdahn in view of Vaccari (US 2003/0145804 A1). The Vaccari publication discloses a retractable leash having a clip 27 (in the form of a strap) extending across the bight of an opening adjacent casing 11 and handgrip 14, thereby allowing the leash to be attached temporarily to freestanding structure. While the Bogdahn leash lock assembly lacks such a clip, it would have been obvious to incorporate a clip into the bottom portion of the handle 5 of Bogdahn so it could be hung or otherwise connected to a projection on a wall structure, in view of the publication to Vaccari. As to claim 9, the opening formed through the housing 4 of Bogdahn and defined in part by handle 5 is deemed to constitute a notch (see Figure 1 of Bogdahn).

Claims 10, 11, 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Vaccari. The Vaccari publication discloses a retractable lead 10 having a handle 14 with a clip 27 incorporated into it. The clip 27—formed by a segment of strap extending across an opening 14a adjacent the handle 14—enables the lead to be attached to a wall or similar structure (see paragraph 0045 of Vaccari). With regard to claim 11, opening 14a of Vaccari is considered to constitute a notch.

Art Unit: 3643

Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vaccari in view of Boughton et al. The Vaccari publication does not describe a rotation damper used in conjunction with the retractable lead. However, it would have been obvious to one skilled in the art to employ a damper with the Vaccari lead, in view of the patent to Boughton et al. that a damper prevents surplus or excess material from unwinding from a spool (see elements 4, 15 of Boughton et al.).

Claims 14, 15 are rejected under 35 U.S.C. 102(a) as being anticipated by Boughton et al. The hose pipe of Boughton et al., while not nominally a leash, could be coupled to an animal—as by wrapping it about the animal, for example—such that it functionally would serve as a leash.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In line 1, it is unclear if the “leash securing device” is equivalent to the “clip” of claim 10, line 4.

Claims 3, 12, 16-18 are objected to because of the following informalities: In claim 3, line 5, “an” should be changed to –said– and the word –and– inserted after the first occurrence of “lever,” in line 7, “pivot” should be changed to –pivots–; in claim 12, line 3, –said– should be inserted before “reel”; in claim 16, line 9, “an” should be changed to –said– and the word –and– inserted after the first occurrence of “lever,” in line 11, “pivot” should be changed to –pivots–. Appropriate correction is required.

Claims 3, 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3643

The disclosure is objected to because of the following informalities: On page 4, line 17, “Outer End” should be changed to –Lever–; on page 5, line 20, reference numeral “24” has been used twice to refer to two different elements; on page 8, line 10, “teethed” should be changed to –toothed–.

Appropriate correction is required.

The drawings are objected to because, in Figure 2, the lead line for reference numeral “24” does not depict an outer lever end. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicants will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Art Unit: 3643

The patents to Levine et al. (US 5,887,550) and Franklin (US 6,213,421 B1) have been cited to provide additional examples of retractable line devices.

RPS: ©703/308-2700 (current); ©571/272-6894 (future)  
22 February 2005

*Robert P. Swiatek*  
ROBERT P. SWIATEK  
PRIMARY EXAMINER  
ART UNIT ~~333~~ 3643